

Form 03 - DOOR WITH MILITARY

BRUCE LEVINSON ESQ.**ATTN:**

U.S.SOUTHERN DIST. COURT

NEW YORK COUNTY

BLUE CREEK PRODUCE, LLC

plaintiff

- against -

BIG CITY PRODUCE, INC.

defendant

Index No. 07 CIV 7849

Date Filed

Office No.

Court Date: / /

STATE OF NEW YORK, COUNTY OF NEW YORK

:SS:

RICHARD RUBINSTEIN being duly sworn, deposes and says: I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 14th day of November, 2007 07:58 AM at

957 WEST BROADWAY
WOODMERE, NY 11598

deponent attempted to make personal service of a true copy of the

SUMMONS AND COMPLAINT**JUDGES RULES****CIVIL COVER SHEET**in the above entitled action upon **INDUMATI KOTHARI T/A BIG CITY**

TROPICAL CORPORATION the **DEFENDANT** therein named. Deponent made prior diligent efforts to effect personal service upon the said **DEFENDANT**

at the above address, to wit: 10/31/2007 09:15 AM 11/06/2007 07:10 PM 11/09/2007 04:10 PM

Deponent spoke to "**JOHN**" **SMITH, MAILMAN ON ROUTE WHO REFUSED TRUE NAME**who stated to deponent that said **DEFENDANT**

worked there.

That personal service could not be made with due diligence upon the said **DEFENDANT** and therefore deponent on the 14th day of November, 2007 at 07:58 AM at the above address served a true copy of the aforementioned document(s) herein upon the said **DEFENDANT**

INDUMATI KOTHARI T/A BIG CITY TROPICAL CORPORATIONby affixing the same to the door of **DEFENDANT** said place of business

since admittance could not be obtained upon reasonable application or a person of suitable age and discretion found who would receive same, true copy thereof.

On 11/20/2007 I deposited in the United States mail another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said **DEFENDANT** at the above address.

That address being **actual place of employment of the DEFENDANT.**

Copy mailed 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns action against the person to be served. That at the time of service as aforesaid, I asked person spoken to whether the **DEFENDANT** was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the **DEFENDANT** is not in the military service, and is not dependent on anyone in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York, or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me this
20th day of November, 2007e

BRETT GOLUB
Notary Public, State of New York
No.01G06129491
Qualified in NASSAU
Commission Expires 06/27/2009

RICHARD RUBINSTEIN
AETNA CENTRAL JUDICIAL SERVICES
225 BROADWAY, SUITE 1802
NEW YORK, NY, 10007
Reference No: 3BL164627